dh

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,249	01/31/2005	Christian Zechlin	884A.0051.U1(US)	8242

29683 7590 01/29/2007
HARRINGTON & SMITH, PC
4 RESEARCH DRIVE
SHELTON, CT 06484-6212

EXAMINER	
NGUYEN, TUAN HOANG	
ART UNIT	PAPER NUMBER
2618	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/501,249	ZECHLIN ET AL.	
	Examiner	Art Unit	
	Tuan H. Nguyen	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 November 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response To Arguments

1. Applicant's arguments, see applicant's remarks, filed on 11/02/2006, with respect to the rejection(s) of claims 1-28 under 35 U.S.C § 102(e) and 35 U.S.C § 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Elg Johannes et al. (International Publication No. WO 99/37106 hereinafter, "Elg") and Muller et al. (US PAT. 6,959,013 hereinafter, "Muller").

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elg Johannes et al. (International Publication No. WO 99/37106 hereinafter, "Elg") in view of Muller et al. (US PAT. 6,959,013 hereinafter, "Muller").

Consider claim 1, Elg teaches a low power radio frequency transceiver arranged to form a network of communicating low power radio frequency transceivers comprising:

a transmitter for transmitting packets of data (page 3 line 29 through page 4 line 9); and controlling the transmitter to transmit a series of messages of a first type outside the network of transceivers (page 6 lines 15-21).

Elg does not explicitly show that punctuating the series of messages of a first type with messages of a second type, transmitted within the network of transceivers, for maintaining synchronization.

In the same field of endeavor, Muller teaches punctuating the series of messages of a first type with messages of a second type, transmitted within the network of transceivers, for maintaining synchronization (col. 8 line 34 through col. 9 line 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, punctuating the series of messages of a first type with messages of a second type, transmitted within the network of transceivers, for maintaining synchronization, as taught by Muller, in order to provide a transmitter, for transmitting an intermittent sequence of messages to maintain synchronization between the transmitter and at least one receiver.

Consider claim 10, Elg teaches maintaining synchronization in a network of communicating low power radio frequency transceivers comprising a master transceiver and at least one slave transceiver (page 3 line 29 through page 4 line 9).

Elg does not explicitly show that punctuating a series of messages of a first type transmitted by the master transceiver outside the network of transceivers, with

messages of a second type transmitted within the network of communicating transceivers for maintaining synchronization.

In the same field of endeavor, Muller teaches punctuating a series of messages of a first type transmitted by the master transceiver outside the network of transceivers, with messages of a second type transmitted within the network of communicating transceivers for maintaining synchronization (col. 8 line 34 through col. 9 line 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, punctuating a series of messages of a first type transmitted by the master transceiver outside the network of transceivers, with messages of a second type transmitted within the network of communicating transceivers for maintaining synchronization, as taught by Muller, in order to provide a transmitter, for transmitting an intermittent sequence of messages to maintain synchronization between the transmitter and at least one receiver.

Consider claim 11, Elg teaches a storage medium for data, comprising computer code for providing, in a low power radio frequency transceiver, punctuating transmission of a series of messages of a first type comprising a first synchronization word independent of the identity of the low power radio frequency transceiver (page 6 lines 15-21).

Elg does not explicitly show that messages of a second type comprising a second synchronization word dependent upon the identity of the low power radio frequency transceiver.

In the same field of endeavor, Muller teaches messages of a second type comprising a second synchronization word dependent upon the identity of the low power radio frequency transceiver (col. 8 line 34 through col. 9 line 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, messages of a second type comprising a second synchronization word dependent upon the identity of the low power radio frequency transceiver, as taught by Muller, in order to provide a transmitter, for transmitting an intermittent sequence of messages to maintain synchronization between the transmitter and at least one receiver.

Consider claim 19, Elg teaches a low power radio frequency transceiver arranged to form a network of communicating low power radio frequency transceivers comprising: a transmitter for transmitting packets of data (page 3 line 29 through page 4 line 9); a controller for controlling the transmitter to transmit a series of messages of a first type outside the network of transceivers (page 6 lines 15-21).

Elg does not explicitly show that punctuating the series of messages of a first type with messages of a second type, transmitted within network of transceivers, for maintaining synchronization.

In the same field of endeavor, Muller teaches punctuating the series of messages of a first type with messages of a second type, transmitted within network of transceivers, for maintaining synchronization (col. 8 line 34 through col. 9 line 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, punctuating the series of messages of a first type with messages of a second type, transmitted within network of transceivers, for maintaining synchronization, as taught by Muller, in order to provide a transmitter, for transmitting an intermittent sequence of messages to maintain synchronization between the transmitter and at least one receiver.

Consider claims 2 and 20, Elg further teaches arranged to operate as a master of the radio network of slave transceivers (page 9 lines 14-30).

Consider claims 3, 12, and 21, Elg further teaches the network of transceivers uses a first frequency hopping sequence (page 2 lines 13-26).

Consider claims 4, 13, and 22, Elg further teaches the messages of a first type transmitted outside the network of transceivers are transmitted using a second frequency hopping sequence (page 9 lines 14-30).

Consider claims 5, 14, and 23, Muller further teaches the messages of the second type are broadcast (col. 7 lines 40-57).

Consider claims 6, 15, and 24, Muller further teaches punctuates the series of messages of a first type with a message of a second type periodically (col. 10 lines 18-56).

Consider claims 7, 16, and 25, Muller further teaches the messages of the second type do not initiate a response from any of the transceivers in the network (col. 2 line 61 through col. 3 line 14).

Consider claims 8, 17, and 26, Muller further teaches the messages of the second type comprise a synchronization word dependent upon the identity of the transmitting low power radio frequency transceiver (col. 4 lines 14-45).

Consider claims 9, 18, and 27, Muller further teaches messages of the second type are transmitted at a frequency dependent upon the identity of the transmitting low power radio frequency transceiver (col. 3 lines 29-43).

Consider claim 28, Muller further teaches a computer program product comprising program instructions for causing a computer to perform the method of claim 10 (col. 4 lines 46-59).

Conclusion

5. Any response to this action should be mailed to:

Mail Stop_____ (Explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22313

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is (571)272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571)272-7882882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information Consider the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T. N

Tuan Nguyen
Examiner
Art Unit 2618

NAY MAUNG
SUPERVISORY PATENT EXAMINER